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Attorneys for
Wells Fargo Bank, N.A.

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:	) LEAD CASE NO. 2:24-bk-12079-VZ
	) Chapter 11
Seaton Investments, LLC,)
	) JOINTLY ADMINISTERED WITH:
Debtor.	) Case No. 2:24-bk-12074-VZ;
	) Case No. 2:24-bk-12075-VZ;
	) Case No. 2:24-bk-12076-VZ;
<input type="checkbox"/> Affects All Debtors.	) Case No. 2:24-bk-12080-VZ;
<input type="checkbox"/> Affects Seaton Investments, LLC	) Case No. 2:24-bk-12081-VZ;
<input type="checkbox"/> Affects Colyton Investments, LLC	) Case No. 2:24-bk-12082-VZ;
<input type="checkbox"/> Affects Broadway Avenue Investments, LLC	) Case No. 2:24-bk-12091-VZ
<input type="checkbox"/> Affects SLA Investments, LLC)
<input type="checkbox"/> Affects Negev Investments, LLC)
<input checked="" type="checkbox"/> Affects Alan Gomperts)
<input type="checkbox"/> Affects Daniel Halevy	) RESPONSE TO OBJECTION TO PROOF
<input type="checkbox"/> Affects Susan Halevy	) OF CLAIM NUMBER 2-1
)
)
	) Date: 9/10/2024
	) Time: 11:00AM
	) Ctrm: 1368
	) Place: 255 E. Temple Street
	) Los Angeles, CA 90012
)
)
	) Judge: Vincent P. Zurzolo
)
)
)

Wells Fargo Bank, N.A. (“Wells Fargo”) hereby submits the following Response to the Objection to Claim #2-1 [Dkt. 147] filed by Seaton Investments, LLC, et al. (“Seaton”).

BACKGROUND

1. Wells Fargo holds a Promissory Note dated 12/31/2016 in the original principal amount of \$423,000.00 which is secured by a first Deed of Trust of the same date on the subject property commonly known as 2247 S Canfield Ave., Los Angeles, CA 90034 (“Property”).

2. The Promissory Note was signed by Alan Gomperts and Sharon Halevy, as Trustees of the Gomperts and Halevy Family Trust under trust instrument dated June 1, 2015.

3. Alan Gomperts filed bankruptcy on 03/18/2024, 2:24-bk-12074-VZ.

4. Alan Gomperts’ bankruptcy case was consolidated into the lead case Seaton Investments, LLC, 2:24-bk-12079-VZ. The Court entered an Order Granting Motion to Approve Joint Administration of Cases on 04/01/2024 (2:24-bk-12074-VZ, Dkt. 32).

5. Wells Fargo filed a Proof of Claim on 05/01/2024 (Claim #2-1). The total secured claim as of the petition date is \$367,260.37 with \$0 arrears.

6. Seaton filed an Objection to Claim on 08/09/2024 asserting Seaton does not own the Property and is not obligated on the loan.

RESPONSE

If a proof of claim is filed using the appropriate form, executed under penalty of perjury, and filed with the bankruptcy court, it is prima facie evidence of the legitimacy and sum of the claim. See Federal Rule of Bankruptcy Procedure Rule 3001(f); In re Southern Calif. Plastics, Inc. (9th Cir. 1999) 165 F3d 1243, 1247-1248. To overcome the presumption that the claim is valid and correct, debtor must provide evidence to the contrary which creates a triable issue of fact. See In re G.I. Indus., Inc. (9th Cir. 2000) 204 F.3d 1276, 1280; In re Medina (9th Cir. BAP 1996) 2005 BR 216, 222; In re Hemingway Transport, Inc. (1st Cir. 1993) 996 F.2d 915, 215; and In re Gran (8th Cir. 1992) 964 F.2d 822, 827.

1 Wells Fargo does not dispute Seaton's assertions that they are not the owner of the
2 Property, is not obligated on the loan and is not the borrower on the Note. Wells Fargo
3 acknowledges the Note and Deed of Trust were executed by Alan Gomperts, a Debtor in the
4 associated cases.

5 On 04/05/2024, Seaton filed a Notice of Joint Administration of Cases and Requirements
6 for Filing Documents (Dkt. 39). It is clear Alan Gomperts' individual bankruptcy petition was
7 consolidated into Seaton's case to be administered jointly. Based on the case consolidation,
8 Wells Fargo filed its claim in the lead case but intends to assert the claim against Alan Gomperts
9 only. Therefore, Wells Fargo does not object to disallowance of the claim as to Seaton
10 Investment LLC. In the alternative, Wells Fargo can amend its claim to solely name Alan
11 Gomperts and remove the reference as to other Debtors in the associated cases, including Seaton.
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13
14 Dated: 08/27/2024

McCARTHY & HOLTHUS, LLP

15
16 By: /s/ Jennifer C. Wong
17 Jennifer C. Wong, Esq.
18 Attorney for Wells Fargo Bank, N.A.
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
2763 Camino Del Rio S., Suite 100
San Diego, CA 92108

A true and correct copy of the foregoing document entitled (*specify*): **RESPONSE TO OBJECTION TO PROOF OF CLAIM NUMBER 2-1** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 8/27/2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

US TRUSTEE COUNSEL
Kelly L Morrison
kelly.l.morrison@usdoj.gov

DEBTOR(S) COUNSEL
Carol Chow
Carol.Chow@saul.com

US TRUSTEE
ustpreion16.la.ecf@usdoj.gov

DEBTOR(S) COUNSEL
Turner Falk
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DEBTOR(S) COUNSEL
Derrick Talerico
dtalerico@wztslaw.com

DEBTOR(S) COUNSEL
Zev Shechtman
Zev.Shechtman@saul.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 8/27/2024, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR(S)

Alan Gomperts, 264 South Oakhurst Drive, Beverly Hills, CA 90212

Seaton Investments, LLC, 264 S Oakhurst Dr, Beverly Hills, CA 90212

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

8/27/2024
Date

Hue Banh
Printed Name

/s/ Hue Banh
Signature

ADDITIONAL SERVICE INFORMATION

Broadway Avenue Investments, LLC, 264 South Oakhurst Drive, Beverly Hills, CA 90212

Colyton Investments LLC, 421 Colyton St, Los Angeles, CA 90013

Colyton Investments LLC, 257 S Linden Dr, Beverly Hills, CA 90212

Susan Halevy, 257 S Linden Dr, Beverly Hills, CA 90212

Daniel Halevy, 8561 Horner St. Los Angeles CA 90035

SLA Investments, LLC, 264 South Oakhurst Drive, Beverly Hills, CA 90212

Negev Investments, LLC, 257 S Linden Dr, Beverly Hills, CA 90212